

CHAPTER 1

Sec. 1-12. Decision agents and rules governing decision-making.

B. Planning and zoning commission

2. *Powers and duties of the commission.*

- b. In addition, in order to effectuate and carry out the purposes of this ordinance, the planning and zoning commission is also vested with the following powers and/or duties:

viii. Approval of creative alternatives.

3. Rules and procedures of the commission.

a. Officers.

i. Selection of officers.

- b. The chair and vice-chair shall be designated by the mayor city council.
- c. ~~The vice-chair and t~~The secretary shall be elected by the commission members and begin serving during the commission's regular meeting in June of each year, and they shall serve until the next election of officers.

D. *Historic landmark commission.*

2. *Powers and duties of the commission.* The historic landmark commission recommends the designation of historic districts and landmarks, recommends the granting of tax exemptions to historically significant sites in need of tax relief, considers demolition permits, approves the issuance of building permits and certificates of appropriateness for work involving landmarks and structures in historic districts, considers all variance requests and all certificates of approval for signage in the city or ETJ, and works in general to preserve the city's historic heritage.

E. ~~Design review committee.~~

~~1. Establishment of the design review committee.~~

- ~~a. There is hereby established a committee to be known as the "Design Review Committee" of the City of Boerne, Texas. Hereinafter this committee may be referred to as the "DRC."~~

~~b. Membership.~~

- ~~i. The design review committee shall consist of five (5) members, whom the mayor shall appoint with the consent and approval of the city council.~~
- ~~ii. To the extent possible, members of the design review committee shall have a background in architecture, landscape architecture, engineering, construction, land development, ecology and/or similar professions.~~
- ~~iii. Members shall be residents of the City of Boerne or its extraterritorial jurisdiction.~~
- ~~iv. To the extent possible, at least one (1) member shall also serve or have previously served on the planning and zoning commission, the historic landmark commission or city council.~~
- ~~v. Committee members are subject to the City of Boerne's ethics ordinance.~~

~~c. Term of office.~~

- ~~i. The term of office of committee members shall be four (4) years. Except as described for the initial terms below.~~

- ii. — Each term shall begin on June 1 following the appointment and expire May 31.
 - iii. — Each of the five (5) positions on the DRC shall be assigned a numbered place.
 - iv. — Upon adoption of this Code, places one, two and three, shall run through May 31, 2025. Places four and five shall run through May 31, 2024.
 - v. — After these initial terms expire, all terms shall be for four (4) years.
 - vi. — Eligible members must reside within the city limits or within the extraterritorial jurisdiction of the City of Boerne.
 - vii. — Members are subject to the City of Boerne's ethics ordinance.
- d. — *Vacancies.* Vacancies in the committee membership shall be filled for the unexpired term of the vacancy in the same manner as the appointment was made.
- e. — *Removal.*
- i. — Members missing three (3) or more consecutive meetings or attending less than seventy-five (75) percent of the posted meetings on a twelve (12) month rolling average, are subject to removal by the city council.
 - ii. — Any member may be removed by the mayor with consent of city council or by city council for cause after a public hearing before the city council and with reasonable notice of the charges.
- f. — *Compensation.* The members of the design review committee shall serve without compensation.
2. — *Role and responsibilities.*
- a. — The design review committee:
 - i. — Administers the design review process for properties within the overlay districts of the city.
 - ii. — **Issues certificate of approval if required for creative alternatives in the city limits.**
 - iii. — Comments upon and provides recommendations on actions proposed to other city boards, committees, and commissions for any plat or permit for a property located at least partially within any of the overlay districts of the city.
 - iv. — **Considers all variance requests for signage in the city or ETJ.**
 - b. — The design review committee does not review or provide approval for historic landmarks or for properties or signage in the historic district.
3. — *Rules and procedures.*
- a. — *Rules.*
 - i. — The design review committee shall adopt rules for the conduct of its business and election of officers other than the chair and vice chair.
 - ii. — All rules adopted by the committee shall be reviewed and approved by the city council.
 - b. — *Officers.*
 - i. — The mayor shall appoint the chair and vice.
 - ii. — The committee shall elect officers other than the chair and vice chair.
 - iii. — Both the chair and vice chair shall be eligible for re-election.
 - iv. — The chair shall preside over all design review committee meetings.
 - v. — In the absence of the chair, the vice chair shall preside.

~~c. — *Committee meetings.*~~

- ~~i. — All meetings, regular or special, shall be conducted in accordance with the Texas Open Meetings Act.~~
- ~~ii. — Regular meetings shall be held at a regular location and time, or when called by the chair. The commission shall have at least one (1) meeting each quarter, and at any special meetings as called.~~
- ~~iii. — Regular meetings shall be held at the call of the chair, vice chair or the city manager in the absence of the chair or vice chair.~~
- ~~iv. — All design review committee members shall have seventy-two (72) hours prior notice of the meeting.~~
- ~~v. — The chair shall call a special meeting within seven (7) working days of receiving notice from the city manager to consider the issuance of a certificate of approval.~~
- ~~vi. — The chair, or vice chair in the absence of the chair, shall preside over the meeting.~~

~~d. — *Quorum.* Three (3) members present shall constitute a quorum.~~

~~e. — *Voting.* All issues shall be decided by a majority vote of those members present and voting, except that in those instances where only a quorum of three (3) members is present at a meeting, all issues shall be decided by at least two (2) affirmative votes.~~

~~f. — *Minutes.* Minutes shall be kept of all meetings and shall be available for public inspection.~~

~~g. — *Investigation and reports.*~~

- ~~i. — The design review committee may recommend or make such investigations and studies of matters relating to the protection, enhancement, perpetuation or use of structures, or to environmental or landscape preservation of sites, as the committee may from time to time deem necessary or appropriate to effect the purpose and intent of this chapter.~~
- ~~ii. — The design review committee may submit reports and recommendations as to such matters to the mayor, city council, staff, and other agencies, boards, commissions and committees of the city. In making such investigations and studies, the design review committee may hold such public hearings as it may deem necessary or appropriate.~~

~~h. — *Conflicts of interest.* Restrictions on participation of members with a conflict of interest shall be in keeping with chapter 171 of the Texas Local Government Code, Vote Required to Act.~~

~~i. — *Hearing and notice requirements.*~~

- ~~i. — The design review committee shall not act upon any request for a certificate of approval or variance without having first given the applicant adequate notice of the committee meeting and his/her right to be present and to be heard if so desired.~~
- ~~ii. — Notice of meetings shall be posted in compliance with current state laws.~~
- ~~iii. — Notice shall be sufficient if either:
 - ~~(a) — the party to be affected receives actual notice by any means;~~
 - ~~(b) — notice of the meeting is provided on the application, is sent to the address shown on any application or permit filed by the applicant, by United States mail, certified, return receipt requested; or~~
 - ~~(c) — in the absence of any address provided by an applicant, notice is sent to the address for the registered owner as shown by the tax rolls of the Kendall County Appraisal District.~~~~

CHAPTER 2

Sec. 2-1. General application procedures

H. *Application submittal dates.* The planning director shall establish a calendar day per month when an application will be accepted by the city for applications that are required to be approved by the planning and zoning commission, historic landmark commission, ~~design review committee~~ or the city council. Such applications shall only be accepted on the designated days established for the filing of applications. Applications that can be approved administratively may be filed at any time.

L. *Variances.*

2. *Decision agent.*

c. The Historic Landmark Commission (HLC) ~~design review committee~~ is authorized to grant signage variances.

M. *Appeals*

2. *Decision agent*

c. The planning and zoning commission shall hear and decide appeals of decisions by the Historic Landmark Commission (HLC) ~~design review committee~~.

Sec. 2-10. Signage.

E. *Sign variances.*

3. *Decision.*

a. The Historic Landmark Commission (HLC) ~~design review committee~~ shall hear and render decisions on specific sign types, and sign variances.

~~b. The landmark commission shall hear and make a recommendation to the design review committee regarding variances for signs in the Historic District.~~

4. *Criteria for granting a variance.*

a. The Historic Landmark Commission (HLC) ~~design review committee~~ may impose such conditions or requirements in a variance as are necessary to protect the overall character of the community and to achieve the fundamental purposes of this ordinance.

b. Sign variances shall not be granted for prohibited sign types.

c. The Historic Landmark Commission (HLC) ~~design review committee~~ shall grant the variance only when it is determined that:

CHAPTER 3

Sec. 3-6. Permitted uses of buildings and land.

- D. *Non-residential uses.*
 - 26. *Urban agriculture.*
 - e. *Urban farm, small.*
 - vii. *Design review.* The following farm structures on an existing and/or expanded urban farm are subject to the design review and approval by the Planning and Zoning Commission design review committee:

Sec. 3-9. Overlay districts.

- B. *Procedures in any overlay district other than the Historic District.*
 - 2. *Creative alternatives in an overlay district other than the Historic District.*
 - b. These guidelines and standards shall be interpreted and applied by the Planning and Zoning Commission design review committee in review and recommendation of any permit application, rezoning application or plat application where a creative alternative has been requested by the applicant.

Sec. 3-12. Downtown Community.

- G. *Signage.*
 - 3. *Signs requiring a certificate of approval from the Historic Landmark Commission (HLC). ~~Design review committee (DRC).~~*
 - a. Digital signs.
 - b. Illuminated signs.

Sec. 3-13. River Road Overlay District.

- D. *Dimensions.* Dimensions shall be in accordance with the base zoning of the property, except:
 - 1. *Building height.*
 - b. Buildings over thirty (30) feet and up to thirty-eight (38) feet or three (3) stories are permitted under the following conditions:
 - i. The third floor shall be stepped back at least ten (10) feet from the building wall facing a public street or a single-family residence, or the building shall be set back more than thirty (30) feet from the nearest public street or single-family residence; and
 - ii. Buildings that are over thirty (30) feet or two (2) stories in height shall require approval by the Planning and Zoning Commission design review committee.
 - iii. Buildings over thirty-eight (38) feet or three (3) stories are prohibited.
 - 2. *Signs with additional requirements.*
 - a. *Roof signs.* Signs mounted onto the roof shall be no taller than the height of the highest roof line of the building.
 - b. *Illuminated sign where the illumination is not static.* Illuminated sign where the illumination is not static shall require certificate of approval from the Historic Landmark Commission (HLC). ~~design review committee.~~

- c. *Freestanding tube letter signs.* Freestanding tube letter signs, such as neon signs, shall require certificate of approval from the Historic Landmark Commission (HLC). ~~design review committee.~~
- d. *Digital signs.* Digital signs shall require a certificate of approval from the Historic Landmark Commission (HLC). ~~design review committee.~~
- e. *All other sign types.* For all other sign types, the requirements of chapter 9: Signage shall apply.

Sec. 3-14. Sobo Overlay District.

H. Signage.

2. Signs in the mixed-use character zone (MU-CZ).

b. Roof sign.

- i. **Digital sign.** Digital signs shall require a certificate of approval from the Historic Landmark Commission (HLC). ~~design review committee.~~
- ii. **Illuminated sign.** Electronic message boards shall require a certificate of approval from the Historic Landmark Commission (HLC). ~~design review committee.~~
- iii. **Electronic message boards.** Electronic message boards shall require a certificate of approval from the Historic Landmark Commission (HLC). ~~design review committee.~~
- iv. **Manual changeable copy sign.**
- v. **All other sign types.** For all other sign types, the requirements of chapter 9: Signage shall apply.

3. Signs in the neighborhood character zone (N-CZ).

b. Signs with additional requirements.

- i. **Digital sign.** Any sign with a digital sign element, including electronic message boards, shall require a certificate of approval from the Historic Landmark Commission (HLC). ~~design review committee.~~
- ii. **Illuminated sign with static illumination.**
- iii. **All other sign types.** For all other sign types, the requirements of chapter 9: Signage shall apply.

Sec. 3-16. Entrance Corridors.

J. Signage.

3. Signs requiring a certificate of approval from the Historic Landmark Commission (HLC). ~~design review committee.~~

- a. **Manual changeable copy sign elements.**
- b. **Illuminated signs where the illumination is not static.**
- c. **Signs where a digital sign element comprises over twenty-five (25) percent of the total area of the sign face.**

Sec. 3-17. Scenic Interstate Corridor District.

G. Signage.

3. Signs with additional requirements.

- b. Signs requiring certificate of approval from Historic Landmark Commission (HLC). ~~design review committee.~~
 - i. Digital sign.
 - ii. Illuminated sign where the illumination is not static.
 - iii. *Electronic message board.*
 - (a) Electronic message boards larger than thirty (30) percent of the maximum allowable area of a sign face shall require a certificate of approval from the Historic Landmark Commission (HLC). ~~design review committee.~~
 - (b) Manual changeable copy sign.
 - (c) Manual changeable copy sign shall require a certificate of approval from the Historic Landmark Commission (HLC). ~~design review committee.~~

CHAPTER 9

Sec. 9-5. Sign illumination.

A. *Generally.*

3. Electronic changeable copy signs shall be considered and approved prior to use by the Historic Landmark Commission (HLC) design review committee.
4. Digital signs shall be considered and approved prior to use by the Historic Landmark Commission (HLC) design review committee.

C. *Internally illuminated signs.*

4. *Electronic changeable copy boards.*

- a. Shall first be considered and approved by the Historic Landmark Commission (HLC) design review committee.

5. *Digital signs.*

- a. Shall first be considered and approved by the Historic Landmark Commission (HLC) design review committee.

Sec. 9-7. General sign standards.

C. *Freestanding signs.*

9. *Standards by sign type for freestanding signs.*

GENERAL STANDARDS FOR FREESTANDING SIGNS			
	Decorative Post and Panel	Monument (8ft or less)	Freeway Pylon (>8ft)
Base (min. height)	n/a	18 "	n/a
Base	n/a	60% total sign width	No less than fifteen (1) ft wide and no greater than twenty-five (25) ft wide.
Enclosure Required	no	at least 2 sides	yes
Enclosure (min. width)	n/a	min. 12" per enclosure (including cap)	at least 30% of sign width
Sign Area per Panel/Cabinet (max sf each)	n/a	n/a	n/a
Panel Width (max)	Sign panels may extend beyond the base of approved by the Historic Landmark Commission (HLC) Design review committee	Sign panels may extend beyond the base of approved by the Historic Landmark Commission (HLC) Design review committee	Shall not exceed the base minimum width of the sign
Panel (minimum height)	8 in	8 in	8 in
Sign Area (max sf)	24 sf	30 sf; or 4sf/tenant with max 40 sf	shall not exceed 400 sq. ft.
Max. Sign Height	10 ft	8 ft	40 ft
Min. Sign Setback	8 ft	8 ft	15 ft
Vertical Clearance	Max 4 ft	0 ft	< 4ft or > 8 ft
Max Width Sign Face	6 ft	10 ft	Shall not exceed the base width
Internal Illumination	yes	yes	yes
External Illumination	yes	yes	no

APPENDIX A. Definitions

~~*Design review committee:* The design review committee of the City of Boerne.~~